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REMARKS

Upon entry of the instant amendment, Claims 1-16 are pending. Claims 1, 4, 9, and 12 have been amended to more particularly point out Applicant's invention.

Claims 1-2 and 9-16 have been rejected under 35 U.S.C. §102(e) as being anticipated by Burger et al, U.S. Patent No. 6,678,366 ("Burger"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Burger.

As discussed in the Specification, one aspect of the present invention relates to a gatekeeper including a compare unit and a record unit. The compare unit receives call requests and accesses a database which is a record of where a called party picked up the call, e.g., at home, at the office, via a mobile phone, or via an emergency number. If such functionality is activated by the user, the compare unit performs an analysis such as a "closest neighbor" analysis or other pattern matching to determine the location of the user at the time of day closest to that of the present call. The call is then routed to the user at that location. The record unit then makes the appropriate notation in the database for the latest call.

Thus, claim 1 has been amended to recite "a switching unit coupled to said local area network, said switching unit adapted to associate a plurality of numbers with a user, record a time and associated number at which said user has been reached, and perform a closest neighbor time comparison of records of previous calls to determine where to connect a current call;"

Claim 9 has been amended to recite "maintaining a call history of calls to one or more numbers of a particular user; receiving a new call; performing a closest neighbor time comparison on said call history to determine at which of said numbers to switch said new call;"

and claim 12 has been amended to recite "providing a record unit adapted to store in a memory a call history associated with particular users; and providing a

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compare unit adapted to perform a closest neighbor time comparison of said call history to determine at which of said one or more numbers to connect the call."

In contrast, Burger provides for connecting a user to a "Best Guess Location," or BGL. The BGL is typically the last telephone number to be used successfully (Col. 8, lines 45-46). If the BGL is unavailable, then the system of Burger may make a connection based on "an available subscriber telephone number having the highest weight." Col. 10, lines 6-7. The weighting may be based on, for example, defining a time period and counting a number of calls in the time period.

Burger, however, does not appear to provide for a "closest neighbor time" comparison, as generally recited in the claims at issue. As can be appreciated, this could provide a more accurate estimate than a count around an arbitrary time period. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Burger in view of Sladek, et al., U.S. Patent No. 6,622,016 ("Sladek"). Applicant respectfully submits that the present invention is not taught, suggested, or implied by Burger or Sladek, either singly or in combination. Claim 3 depends from claim 1.

Sladek is relied on for allegedly teaching a communications gatekeeper and provisioning of special services. Sladek, however, does not teach the elements of the independent claim. Burger has been discussed above with reference to claim 1. For reasons similar to those discussed, Applicant submits that the combination of Burger And Sladek does not teach, suggest, or imply the invention of claim1 or the dependent claim 3. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 4-8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Burger in view of Sladek. Applicant respectfully submits that the present invention is not taught, suggested, or implied by Burger or Sladek, either singly or in combination. In particular, Claim 4 has been amended to recite "a record unit adapted to store in a memory a call history associated with particular users; and a compare unit adapted to

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perform a closest neighbor time comparison of said call history to determine at which of said one or more numbers to connect the call."

For reasons similar to those discussed above, Applicant respectfully submits that neither Burger nor Sladek teach, suggest, or imply, inter alia, a closest neighbor time comparison, as recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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